



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Report of Successor Administrator of Insolvent Estate; Request for Discharge

▲

Petitioner prays for an Order:

1. Settling, allowing and approving the final report as filed; and all acts and proceedings of the Petitioner as successor administrator be confirmed and approved;
2. Finding that **KIMBERLY HOLLABAUGH** is personally liable to the creditors: American Ambulance, Citicorp Credit Service, Union Bank, and Providian c/o Phillips &Cohen, as well as to the Court, attorney Richard Hemb, and the other 2 beneficiaries, Patricia Hollabaugh and Jeff Hollabough, for the amount of **\$218,062.16**;
3. The administration of this estate be closed; and
4. The Public Administrator be discharged as administrator of the instant estate.

Status Hearing Re: Assets and Accounting

		PUBLIC ADMINISTRATOR was appointed as Trustee pursuant to Minute Order 9-9-13.	NEEDS/PROBLEMS/COMMENTS:
		The Court set this Status Hearing Re: Assets and Accounting.	<u>OFF CALENDAR</u>
Cont. from 120913, 011614, 013014		HISTORY:	Accounting of original successor trustee filed 2-21-14 is set for hearing on 4-10-14.
Aff.Sub.Wit.			
Verified		JOSEPH BALAGNO , Beneficiary, filed a Petition to Remove Trustee, to Appoint Public Administrator as Trustee, and to Compel Trustee to Account.	
Inventory			
PTC			
Not.Cred.			
Notice of Hrg		NICHOLAS T. KOVACEVICH , Trustee, filed a Declaration on 8-8-13 (prior to Settlement Conference) indicating information provided to Petitioner's attorney.	
Aff.Mail			
Aff.Pub.			
Sp.Ntc.		Minute Order 9-9-13: The Court is informed that Mr. Kovacevich has agreed to step down. The Court grants the petition and appoints the Public Administrator as the personal representative. The Court directs that any fees come before the court. Parties stipulate to having the minute order become the order of the court. Set on 12-9-13 for status hearing re assets and accounting.	
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report		On 11-1-13, Attorney David Paul Gromis , Attorney for former trustee Nicholas Kovacevich, filed a Petition for Payment of Attorney's Fees and Payment for Trustee's Fees that is set for hearing on 12-19-13. The petition requests payment of \$5,976.00 from the trust estate to the attorney and \$16,452.00 from the trust estate to Nick Kovacevich, CPA, for services as successor trustee.	
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice		In addition, on 11-18-13 , Joseph Balagno, Linda Balagno, and Lori Jo Brown filed a Petition for Court Order to Determine Title and Require Transfer of Personal Property to Petitioner that is set for hearing on 1-16-14.	
			Reviewed by: skc
			Reviewed on: 2-24-14
			Updates:
			Recommendation:
			File 5A – Balagno

Atty Armo, Lance E. (for Joseph Balagno – Beneficiary)
 Atty Gromis, David Paul (for Nicholas Kovacevich – Former Trustee)
 Atty Kruthers, Heather (for Public Administrator)
 Atty Motsenbocker, Gary L. (for Mary Pond – Respondent)

Petition for Payment of Attorney's Fees and Payment for Trustee's Fees

Dale W. Balagno DOD: 3-16-13		NICHOLAS KOVACEVICH , Successor Trustee, is Petitioner. Petitioner states: <ul style="list-style-type: none"> Dale W. Balagno died on 3-16-13. The trust provides names Petitioner as first successor trustee. On 4-23-13, Petitioner provided information on the trust estate to his attorney, David Gromis. On 9-9-13, Petitioner agreed to allow the Public Administrator to become the Trustee. 	NEEDS/PROBLEMS/COMMENTS: <u>Examiner's Note:</u> On 9-9-13, per Corrected Minute Order, Mr. Kovacevich agreed to step down and the Court directed that any fees come before the Court. Accordingly, this petition was filed on 11-1-13. This petition requests attorney and trustee fees totaling \$22,428.00. However, at this point, the value of the trust/assets has not been provided to the Court so Examiner does not have a basis for review other than hourly rates and services. Examiner notes that the original petition of Joseph Balagno alleged inappropriate conveyance of trust assets and also alleged that Mr. Kovacevich has refused to provide a list of assets. The Court granted that petition on 9-9-13, that petition was granted and Mr. Kovacevich stepped down, and the Court set status hearing on 12-9-13 regarding Assets and Accounting. This petition for fees was filed and has been continued to this date; however, no accounting or declaration regarding trust assets had been provided to the Court. <u>Update:</u> Accounting filed 2-21-14 is set for hearing on 4-10-14.
Cont. from 011614 Aff.Sub.Wit. ✓ Verified Inventory PTC Not.Cred. ✓ Notice of Hrg ✓ Aff.Mail w Aff.Pub. Sp.Ntc. Pers.Serv. Conf. Screen Letters Duties/Supp Objections Video Receipt CI Report 9202 Order X Aff. Posting Status Rpt UCCJEA Citation FTB Notice			
Attorney: \$5,976.00 Exhibit A is a schedule of the attorney's billing in this proceeding from 4-23-13 through 9-9-13. All services were reasonable and necessary in representing Mr. Kovacevich. 24.9 hours @ \$240/hr.		Successor Trustee: \$16,452.00 Exhibit B is a schedule of the successor trustee's services provided to the estate from 3-19-13 through 9-9-13. All services were reasonable and necessary in his role as successor trustee. 91.4 hours @ \$180/hr.	Reviewed by: skc Reviewed on: 2-24-14 Updates: Recommendation: File 5B – Balagno
Petitioner requests an order: <ol style="list-style-type: none"> Directing the Public Guardian to pay David Paul Gromis, Attorney at Law, the sum of \$5,976.00 from the trust estate for legal services rendered to Nick Kovacevich while he was acting as trustee for the D.W. Balagno Trust dated 3-6-13; Directing the Public Guardian to pay Nick Kovacevich, CPA, the sum of \$16,452.00 for time spent and for services rendered to the D.W. Balagno Trust dated 3-6-13 as the successor trustee; and For such other relief as the Court deems just and proper. 			

Atty Wright, Judith A., of Wright & Wright (for Petitioner Monika Smith)

Petition for Letters of Administration (Prob. C. 8002, 10450)

DOD: 6/19/2012			<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED TO 3/27/2014</p> <p>Per Attorney request</p>
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: LEG
			Reviewed on: 2/24/14
			Updates:
			Recommendation:
			File 9 – Smith

DOD: 12-1-02	RICHARD ALLEN CANADA , Son, was appointed Administrator with Full IAEA with bond of \$17,000.00 on 5-4-04.	NEEDS/PROBLEMS/COMMENTS:
		<u>Minute Order 4-12-13:</u> Counsel informs the Court that Mr. Canada has agreed to work with him with respect to this matter.
	Bond of \$17,000.00 was filed and Letters issued on 5-7-04.	<u>Minute Order 6-21-13:</u> No appearances. The Court removes Richard Canada as the administrator and appoints the Public Administrator as the personal representative. Continued to 9-20-13.
Cont from 041213, 062113, 092013, 120613	Inventory and Appraisal filed 7-6-04 indicates a total estate value of \$90,000.00 consisting of real property located at 2365 South Lily in Fresno.	<u>Minute Order 9-20-13:</u> Ms. Kruthers informs the Court that she will be filing a petition for surcharge and will provide notice to the bonding company at that time. The Court sets the matter for an Order to Show Cause on 12/6/13 regarding failure to appear and imposition of sanctions in the amount of \$500.00 as to Richard Canada. Richard Canada is ordered to be personally present on 12/6/13. Continued to: 12/6/13 at 09:00a.m. in Dept 303. Set on: 12/6/13 at 09:00a.m. in Dept 303 for: Order to Show Cause Re: Failure to Appear; Imposition of Sanctions in the Amount of \$500.00
Aff.Sub.Wit.	On 2-25-13, Attorney C. Michael Farmer filed a Notice of Change of Address, which prompted review of the status of this case.	<u>Minute Order 12-6-13:</u> Continued to 2-27-14
Verified	On 3-1-13, the Court set status hearing for 4-12-13 for failure to file a first account or petition for final distribution.	1. <u>Need first account or petition for final distribution or current status report.</u>
Inventory	The matter was continued to 6-21-13. On that date, there were no appearances. The Court removed Mr. Canada and appointed the FRESNO COUNTY PUBLIC ADMINISTRATOR.	2. <u>Need proof of service of Notice of Hearing with a copy of the status report on parties that have requested special notice pursuant to Probate Code §1252.</u>
PTC		<u>Note:</u> The file indicates that the decedent left a spouse who relocated to Lapu Lapu City, Philippines, after the decedent's death, and two adult children, including the Administrator, who reside in Fresno.
Not.Cred.		<u>Note:</u> There have been numerous creditor's claims filed in this estate totaling \$11,748.70.
Notice of Hrg		Reviewed by: skc
Aff.Mail		Reviewed on: 2-24-14
Aff.Pub.		Updates:
Sp.Ntc.		Recommendation:
Pers.Serv.		File 11A - Canada
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt	Status Report filed 9-9-13 states the Public Administrator has attempted to contact the former administrator by contacting his daughter and the attorney; however, has not been able to make contact. The former administrator's former attorney, C. Michael Farmer, reported that the former administrator may have distributed the proceeds from the sale of the house, the only asset, to him and his sister. If so, the surviving spouse did not receive her 1/3 share, and none of the several creditors were paid. The Public Administrator will continue to attempt to find the former administrator, and requests the Court set an Order to Show Cause requiring Mr. Canada to personally appear, and that this matter be set out for at least 60 days to allow time to investigate.	
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Order to Show Cause Re: Failure to Appear; Imposition of Sanctions in the Amount of \$500.00 (As to Richard Canada)

		<p>RICHARD ALLEN CANADA, Son, was appointed Administrator with Full IAEA with bond of \$17,000.00 on 5-4-04.</p> <p>Bond of \$17,000.00 was filed and Letters issued on 5-7-04.</p> <p>Inventory and Appraisal filed 7-6-04 indicates a total estate value of \$90,000.00 consisting of real property located at 2365 South Lily in Fresno.</p> <p>On 2-25-13, Attorney C. Michael Farmer filed a Notice of Change of Address, which prompted review of the status of this case.</p> <p>On 3-1-13, the Court set status hearing for 4-12-13 for failure to file a first account or petition for final distribution.</p> <p>The matter was continued to 6-21-13. On that date, there were no appearances. The Court removed Mr. Canada and appointed the FRESNO COUNTY PUBLIC ADMINISTRATOR.</p> <p>At continued status hearing on 9-20-13, the Court set this Order to Show Cause Re: Failure to Appear, Imposition of Sanctions Richard Canada was ordered to be personally present.</p> <p>Notice was mailed to Mr. Canada, Ms. Kruthers, and the surety.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 12-6-13</u></p>
Cont. from 120613			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
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Sp.Ntc.			
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Duties/Supp			
Objections			
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CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: skc</p> <p>Reviewed on: 2-24-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11B - Canada</p>	